

of Texas, and John W. McCormack, of Massachusetts, under the rules as they existed at the time, in regard to televising committee meetings.⁽²¹⁾ The tenor of the rulings was that since there was no authority in the rules of the House granting the privilege of televising the proceedings of the House, there was no authorization for televising committee meetings.

§ 7. —Abrogation or Waiver

In most cases, the requirements of the rules can be waived or abrogated through the use of various procedures. The House, for example, may by unanimous consent agree to a certain order of business, or may vote to suspend the rules. These procedures are discussed in detail elsewhere.⁽¹⁾ Generally, the Speaker may recognize for unanimous-consent requests to waive the requirements of existing rules unless the rule in question specifies that it is not subject to

waiver.⁽²⁾ Similarly, the power of the House to change its rules at any time, as by amendment or by provisions included in legislative enactments, is recognized, as has been discussed above.⁽³⁾ Moreover, it appears that where a motion not in order under the rules of the House is, without objection, considered and agreed to, it controls the procedure of the House until carried out, unless the House takes affirmative action to the contrary.⁽⁴⁾

The strict terms of a rule have been avoided where the Speaker, having considered all of the facts and issues involved in a point of order arising under the terms of the rule, has construed such rule

21. See 98 CONG. REC. 1334, 82d Cong. 2d Sess., Feb. 25, 1952; 101 CONG. REC. 628, 84th Cong. 1st Sess., Jan. 24, 1955; 108 CONG. REC. 267-269, 87th Cong. 2d Sess., Jan. 16, 1962; 113 CONG. REC. 8419, 90th Cong. 1st Sess., Apr. 5, 1967.

1. See Ch. 21, *infra*.

2. See Ch. 21, *infra*.

For debate of amendments under the five-minute rule, see Ch. 29, *infra*.

3. See § 5, *supra*.

Provisions in a legislative enactment may have the effect of rendering inapplicable a House rule adopted earlier with respect to the matters covered in the enactment. Being a later expression of the will of the House, such enactment may, for example, expressly authorize that which is prohibited by the rule. See § 6.2, *supra*.

4. 114 CONG. REC. 30214, 90th Cong. 2d Sess., Oct. 9, 1968 (remarks of Speaker John W. McCormack [Mass.], relating to motion of Mr. Adams). See Ch. 23, *infra*, as to the use of motions generally.

to be directory and not mandatory.⁽⁵⁾

A common means by which the rules may be circumvented is for the Committee on Rules to report, and the House to adopt, a resolution providing for a particular order of business and specifying the conditions under which such business will be considered.⁽⁶⁾ Since the Committee on Rules has authority to report resolutions providing for special orders of business, no point of order against such a resolution can be based on the fact that adoption of the resolution would have the effect of abrogating another standing rule of the House.⁽⁷⁾ Thus, by direction of the Committee on Rules, a resolution may be called up waiving all points of order against a particular bill. In such manner, a variety of points of order can be waived. As examples, a resolution may waive points of order that could otherwise be raised against legislative provisions in appropri-

tion bills,⁽⁸⁾ points of order based on the requirement of germaneness in amendments to bills,⁽⁹⁾ and even points of order based on the requirements of the Ramseyer rule,⁽¹⁰⁾ whether the resolution is general in its terms or expressly waives the requirement of compliance with the Ramseyer rule.⁽¹¹⁾

8. See Ch. 26, *infra*.

For an example of a resolution waiving the provisions of the house rule relating to unauthorized appropriations and legislation on general appropriation bills, see 86 CONG. REC. 3443, 76th Cong. 3d Sess., Mar. 25, 1940 (H. Res. 436).

9. See, for example, 106 CONG. REC. 10575, 86th Cong. 2d Sess., May 18, 1960. For general discussion of the requirement of germaneness in amendments to bills, see Ch. 28, *infra*.

10. As to the Ramseyer rule, requiring in certain circumstances that committee reports show the effects of proposed bills on existing law, see Ch. 17, *infra*.

11. 95 CONG. REC. 1214, 1218, 81st Cong. 1st Sess., Feb. 15, 1949 (response of Speaker Sam Rayburn [Tex.], to point of order concerning the First Deficiency Appropriation Bill, 1949).

5. See § 6.3, *supra*.

6. See Chs. 17, 21, *infra*.

7. Generally, see Ch. 21, *infra*.